

SOUTH AFRICA / JUDGMENT

Coetzer and Other v Pegasus Industrial Services (Pty) Ltd (JS766/2020) [2021]

ZALCJHB 248 (16 August 2021)

[2021] ZALCJHB 248

COURT

Labour Court Johannesburg

BEFORE

I.I. Mahomed

CASE / FILE NUMBER

JS766/2020

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IN

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not

Reportable

Revised

Case

No: JS766/2020

16/08/21

In

the matter between:

CHARIEN

COETZER AND

OTHER Applicants

and

PEGASUS

INDUSTRIAL SERVICES (Pty)

Ltd Respondent

Heard: 07

July 2020

Delivered: (In

view of the measures implemented as a result of the Covid-19 outbreak, this judgment was handed down electronically by circulation to the parties' representatives by email. The date for hand-down is deemed to be 16 August 2021)

JUDGMENT**MAHOMED, AJ**

1. This is an unopposed application to condone the late filing of the Statement of Case (in the Labour Court). The application is filed under section 191(11)(b) of the Labour Relations Act, 1995.
2. The application was considered in Chambers as the applicants did not require an oral hearing in line with the COVID-19 Directives.
3. I have considered the application deposed to by the first applicant. The delay in approaching this court is nine (9) days. This is a minimal delay and the explanation for delay is satisfactory. There appears to be prospects of success in the main dispute (which I mention also does not appear to be defended). No prejudice would be suffered by the respondent in the granting of condonation. I am thus prepared to grant the applicants condonation.[1]
4. The matter enrolled for hearing on the 7 July 2021 motion roll was the determination of the condonation application only. I make this point, as I note that the applicant's attorneys have diligently indexed and paginated the court file for default judgment and that Counsel has already drawn heads in such application.
5. Whilst I have condoned the late filing of the Statement of Case, as the default judgment was not enrolled before me for hearing such application could not be determined. It must be held over for another day.
6. I thus make the following order:

Order:

1. The late filing of the Applicants Statement of Case is condoned.
2. There is no order for costs in the condonation application.
3. The Registrar is directed to enroll the matter for default judgment.
- 4 The attorneys for the Applicant are to serve a copy of this judgement and order on the Respondent by no later than a month after receipt of the order.

I.I. Mahomed**Acting Judge of the Labour Court of South Africa****Appearances:****For the applicant: J Adv Strobel****Instructed by: Gibbs**

& De Jager Attorneys

For the respondent: No Appearance

[1] Melane v Santam Insurance Co. Ltd 1962 (4) SA 531 (A) and various authorities following this judgement

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Prepared on 26 October 2026 · Esheria